

L.A. County supervisors order legal staff to explore ways to shut the Exide battery-recycling plant in Vernon

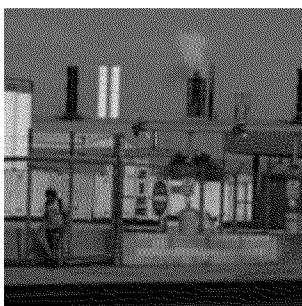
Los Angeles County is considering legal action against a Vernon battery recycler accused of threatening the health of nearby residents with its lead and arsenic emissions.

The L.A. County Board of Supervisors on Wednesday instructed its lawyers to "explore potential legal actions against Exide Technologies" and report back in a week with ways to force Exide to close the facility and fix contamination in surrounding communities.



Hazardous waste from an embattled Vernon battery recycler dripped from tractor-trailers onto public roadways last year, according to recently released public documents in which a state environmental inspector called the leaks an "on-going problem" that "needs to be addressed immediately." (Tony Barboza)

Supervisor Gloria Molina drafted the motion because she said an agreement that state regulators struck with the company last week to clean up pollution in neighborhoods around the plant is weak and riddled with loopholes.



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The state Department of Toxic Substances Control announced an agreement that settles disputes over pollution and hazardous waste at Exide's lead-acid battery recycling plant about five miles southeast of downtown Los Angeles. It requires the company to set aside \$38.6 million over the next 10 years for the facility's cleanup should it close.

Both Exide and state regulators lauded the agreement as an important move in cleaning up the plant's operations.

Molina said the agreement was a "closed-door" deal made without local input. She said it did not provide enough cleanup money or protect residents from future pollution.

"Trying to go behind the scenes and make this kind of a deal is very, very upsetting to us," Molina said at a news conference.



The state Thursday ordered Exide Technologies to pay for the cleanup of homes and yards contaminated by the company's battery recycling operation in Vernon. (Bettina Boxall)

Exide, one of the world's largest producers of lead acid batteries, filed for Chapter 11 bankruptcy protection last year. In August, a financial disclosure by the company revealed that a federal grand jury is conducting a [criminal investigation](#) involving the Vernon plant.

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The state Department of Toxic Substances Control has for decades allowed the plant to operate with a temporary permit, but it has been idle since March because it could not comply with new air quality regulations.

In addition to the cleanup money, the deal also requires Exide to pay \$526,000 in fines for hazardous waste violations and \$760,000 to reimburse the state for overseeing the facility. Over the next five years, the company is required to pay \$9 million into a trust fund to pay for cleanup of lead-contaminated soil at homes in Maywood and Boyle Heights.

But county officials said the agreement could allow Exide to avoid payments for cleaning homes if bankruptcy proceedings don't go smoothly.

Exide called the agreement "a crucial step forward" in its effort to obtain a permanent hazardous waste permit. Under a new California law, if the company does not obtain the permit by the end of next year, the facility must be shut down. Exide officials said they anticipate resuming operations as early as the spring.

Thomas Strang, Exide's vice president for environmental health and safety, called the order "really tough."

"We're working hard with the regulators to move this thing forward," he said.

State toxic waste regulators defended the agreement and said more orders could be issued in the future.

"This is no deal for Exide," the Department of Toxic Substances Control said in an emailed statement. "It is an enforcement order that binds the company to clean up the community."

Exide's facility has provoked community outrage since last year, when air quality officials revealed that its emissions of arsenic, a cancer-causing air pollutant, posed a health risk to more than 100,000 people.

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